

Part 2

Parent and Child Relationship

78B-15-201 Establishment of parent-child relationship.

- (1) The mother-child relationship is established between a woman and a child by:
- (a) the woman's having given birth to the child, except as otherwise provided in Part 8, Gestational Agreement;
 - (b) an adjudication of the woman's maternity;
 - (c) adoption of the child by the woman; or
 - (d) an adjudication confirming the woman as a parent of a child born to a gestational mother if the agreement was validated under Part 8, Gestational Agreement, or is enforceable under other law.
- (2) The father-child relationship is established between a man and a child by:
- (a) an un rebutted presumption of the man's paternity of the child under Section 78B-15-204;
 - (b) an effective declaration of paternity by the man under Part 3, Voluntary Declaration of Paternity Act, unless the declaration has been rescinded or successfully challenged;
 - (c) an adjudication of the man's paternity;
 - (d) adoption of the child by the man;
 - (e) the man having consented to assisted reproduction by a woman under Part 7, Assisted Reproduction, which resulted in the birth of the child; or
 - (f) an adjudication confirming the man as a parent of a child born to a gestational mother if the agreement was validated under Part 8, Gestational Agreement, or is enforceable under other law.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-202 No discrimination based on marital status.

A child born to parents who are not married to each other whose paternity has been determined under this chapter has the same rights under the law as a child born to parents who are married to each other.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-203 Consequences of establishment of parentage.

Unless parental rights are terminated, a parent-child relationship established under this chapter applies for all purposes, except as otherwise specifically provided by other law of this state.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-204 Presumption of paternity.

- (1) A man is presumed to be the father of a child if:
- (a) he and the mother of the child are married to each other and the child is born during the marriage;
 - (b) he and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation;

- (c) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce or after a decree of separation; or
- (d) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is, or could be declared, invalid, he voluntarily asserted his paternity of the child, and there is no other presumptive father of the child, and:
 - (i) the assertion is in a record filed with the Office of Vital Records;
 - (ii) he agreed to be and is named as the child's father on the child's birth certificate; or
 - (iii) he promised in a record to support the child as his own.
- (2) A presumption of paternity established under this section may only be rebutted in accordance with Section 78B-15-607.
- (3) If a child has an adjudicated father, the results of genetic testing are inadmissible to challenge paternity except as set forth in Section 78B-15-607.

Renumbered and Amended by Chapter 3, 2008 General Session